REMARKS

Claims 1-19 are pending in the application. Claims 14-18 have been withdrawn from consideration. Applicant amends claims 1, 8, 11-12, and 19 for clarification, and refers to Figs 4-5 and their corresponding description in the specification for exemplary embodiments of and support for the amended claims. No new matter has been added.

Applicant respectfully requests that the Examiner consider the information disclosure statements ("IDS") filed on December 19, 2005 and January 27, 2006, and return signed and initialed copies of the PTO-1449 forms attached thereto.

Claim 12 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. In particular, the Examiner objected to the term "this base station" as rendering the claim indefinite. Applicant amends claim 12 to clearly recite "the second frequency with respect to said third base station," and respectfully requests that the Examiner withdraw the § 112, ¶ 2 rejection.

Claims 11 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,790,528 to Muszynski. Applicant amends claim 11 in a good faith effort to clarify the claimed invention as distinguished from the cited reference. Applicant respectfully traverses the rejection.

Muszynski describes a technique for semi-hard handoffs across a border base station between two service areas, the border base station being connected to mobile exchanges (MSC) of the respective service areas. Muszynski does not disclose, however, any frequency allocation or corresponding control scheme between the service area base stations, the border base station, and the mobile exchanges that anticipates the claimed invention. Muszynski also does not disclose the claimed base station controller. In other words, Muszynski fails to disclose,

"[a] mobile communications system, comprising:

a first base station device provided in a first wireless communications area to which at least a first frequency is allocated;

a second base station device provided in a second wireless communications area to which at least a second frequency is allocated;

a third base station device provided in a third wireless communications area, which is adjacent to the first and second wireless communications areas and to which the first and second frequencies are allocated for same multiple access scheme, wherein said third base station device is accommodated in different controllers for each allocated frequency;

a first base station controller controlling communications conducted by said first base station device and said third base station device; and

a second base station controller controlling communications conducted by said second base station device and said third base station device, wherein

each of said first, second and third base station devices can use both of the first and second frequencies to communicate with a mobile station,

said first base station controller controls communications conducted by said first base station device using the first frequency and the second frequency and controls communications conducted by said third base station device using the first frequency but does not control communications conducted by said third base station device using the second frequency,

said second base station controller controls communications conducted by said second base station device using the first frequency and the second frequency and controls communications conducted by said third base station device using the second frequency but does not control communications conducted by said third base station device using the first frequency, and

said first base station controller allocates the same frequency to a radio channel between a mobile station and a corresponding base station device before and after the mobile station travels from the first wireless communications area to the third wireless communications area in a case where the mobile station has used the first frequency in the first wireless communications area, and allocates the first frequency to the radio channel after the mobile station travels from the third wireless communications area to the first wireless communications area," as recited in claim 11. (Emphasis added)

Accordingly, Applicant respectfully submits that claim 11 is patentable over Muszynski for at least the above-stated reasons.

Claim 19 stands rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,901,145 to Sawyer. Applicant amends claim 19 in a good faith effort to clarify the claimed invention as distinguished from the cited reference. The Examiner's rejection is respectfully traversed.

Sawyer describes a technique for handoffs between spread spectrum communications systems and frequency division communications systems. In particular, Sawyer describes independent wideband pilot channel transmitters (50) sharing antennas with narrowband base stations (18) in cells bordering those serviced by wideband base stations (38) for measuring downlink signal strength to determine whether a call needs to be handed off from a code division multiple access communications system (base stations 38) to a frequency division communications system (base stations 18). Although the wideband pilot channel transmitters (50) are connected to a CDMA MSC, they do not conduct communications using their respective transmission frequencies. As such, Sawyer does not disclose the above-cited features of claim 11, corresponding features of which are incorporated in claim 19. In particular, Sawyer fails to disclose,

> "the first base station controller controls communications conducted by the first base station device using the first frequency and the second frequency and controls communications conducted by the third base station device using the first frequency but not controlling communications conducted by said third base station device using the second frequency,
>
> the second base station controller controls communications conducted by the second base station device using the first frequency and the second frequency and controls the communications conducted by the third base station device using the second frequency but not controlling communications conducted by said third base station using the first frequency, and

> said first base station controller allocates the same frequency to a radio channel between a mobile station and a corresponding base station device before and after the mobile station travels from the first wireless communications area to the third wireless communications area in a case where the mobile station has used the first frequency in the first wireless communications area, and allocates the first frequency to the radio channel after the mobile station travels from the third wireless communications area to the first wireless communications area," as recited in claim 19. (Emphasis added)

Accordingly, Applicant submits that claim 19 is patentable over Sawyer for at least the above-stated reasons.

Claims 1-10 and 12-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sawyer in view of U.S. Patent No. 6,289,221 to Ritter. Applicant amends claims 1, 8, and 12 in a good faith effort to clarify the claimed invention as distinguished from the cited references. The Examiner's rejection is respectfully traversed.

As discussed above, Sawyer does not disclose the above-cited features of claims 11 and 19, corresponding features of which are incorporated in claims 1, 8, and 12.

The Examiner, indeed, acknowledged that Sawyer fails to disclose "controller controlling said base station device using the first and second frequencies." Page 5, lines 18-19 of the Office Action. The Examiner relied upon the description of base stations that accommodate both GSM and CDMA in Ritter as alleged disclosure of this feature. Ritter merely describes, however, base station controllers (10) that control base stations BS1, BS2, and BS3 having both GSM and TD/CDMA units (1 and 2). Thus, like Sawyer, Ritter also fails to describe the above-cited features of claim 11 and 19—namely,

> a first base station controller controlling communications conducted by said first base station device and said third base station device; and

a second base station controller controlling communications conducted by said second base station device and said third base station device, wherein

each of said first, second and third base station devices can use both of the first and second frequencies to communicate with a mobile station,

said first base station controller controls communications conducted by said first base station device using the first frequency and the second frequency and controls communications conducted by said third base station device using the first frequency but does not control communications conducted by said third base station device using the second frequency,

said second base station controller controls communications conducted by said second base station device using the first frequency and the second frequency and controls communications conducted by said third base station device using the second frequency but does not control communications conducted by said third base station device using the first frequency, and

said first base station controller allocates the same frequency to a radio channel between a mobile station and a corresponding base station device before and after the mobile station travels from the first wireless communications area to the third wireless communications area in a case where the mobile station has used the first frequency in the first wireless communications area, and allocates the first frequency to the radio channel after the mobile station travels from the third wireless communications area to the first wireless communications area," as recited in claim 1. (Emphasis added)

Therefore, even assuming, arguendo, that it would have been obvious to one skilled in the art at the time the claimed invention was made to combine Sawyer and Ritter, the combination would still have failed to disclose or suggest the above-cited features of claim 1. Accordingly, Applicant respectfully submits that claim 1, together with claims 2-7 dependent therefrom, is patentable over Sawyer and Ritter, separately and in combination, for at least the above-stated reasons. Claims 8 and 12 incorporate features that correspond to those of claim 1 cited above, and are, therefore, together with claims 9-10 dependent from claim 8 and claim 13 dependent from claim 12, patentable over the cited references for at least the same reasons.

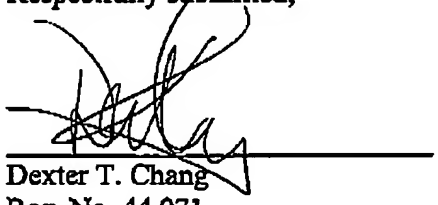
The above statements on the disclosures in the cited references represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically indicate those portions of the respective reference that provide the basis for a view contrary to any of the above-stated opinions.

Applicant appreciates the Examiner's implicit finding that the additional references made of record, but not applied, do not render the claims of the present application unpatentable, whether these references are considered alone or in combination with others.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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